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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,472	10/15/2001	Junius A. Evans	62684-5001	3697

7590 01/04/2006  
Rupak Nag  
2710 Century Park East Suite 1210  
Los Angeles, CA 90067

EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,472	<b>Applicant(s)</b> EVANS ET AL.	
	<b>Examiner</b> Dilek B. Cobanoglu	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-10 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being unpatentable by Brown (U.S. Patent No. 5,997,476).

A. As per claim 1, Brown discloses a method of transmitting metric data from a medical data collecting device to a server computer, the method comprising:

- i. determining a cable type of a medical data collecting device  
(Brown; col. 5, lines 49-57 and col. 4, line 64 to col. 5, line 6);
- ii. transmitting a cable type value corresponding to the cable type to a server computer (Brown; col. 2, line 66 to col. 3, line 6);
- iii. receiving device configuration instructions from the server computer  
(Brown; col. 5, lines 14-28);
- iv. configuring one or more components to enable communication with the medical data collecting device (Brown; col. 11, lines 11-23), and
- v. receiving metric data from the medical data collecting device for transmission to the server computer (Brown; col. 6, lines 26-34).

B. As per claim 2, Brown discloses a method as recited in claim 1 wherein receiving device configuration instructions from the server computer further comprises: on the server computer, using the cable type value to retrieve the device configuration instructions from a database such that intelligence regarding the medical data collecting device resides on the server computer (Brown; col. 4, lines 36-39 and fig. 1).

C. As per claim 3, Brown discloses a method as recited in claim 1 further comprising: determining whether a host input/output connection is enabled and a device input/output is enabled (Brown; col. 4, lines 55-60).

D. As per claim 4, Brown discloses a method as recited in claim 1 further comprising:

- i. a multiplexer reading the cable of the medical data collecting device (Brown; col. 12, lines 12-23); and
- ii. a modem transmitting the cable type value to the server computer wherein a predetermined dial-up number is used to connect to the server computer (Brown; col. 6, lines 26-34 and col. 4, lines 55-60).

E. As per claim 5, Brown discloses a method as recited in claim 1 further comprising transmitting an acknowledgment to the server computer (Brown; col. 5, lines 14-28).

F. As per claim 6, Brown discloses a method of sending metric data from a self-monitoring diagnostic meter to a data repository using an intermediate device, the method comprising:

- i. enabling a first connection between an intermediate device and a self-monitoring diagnostic meter and enabling a second connection between the intermediate device and a host input/output (Brown; col. 2, line 66 to col. 3, line 6 and col. 10, lines 15-19);
- ii. determining a specific type of self-monitoring diagnostic meter by examining a cable type value at the data repository (Brown; col. 5, lines 49-57); and
- iii. configuring the intermediate device using intelligence data sent from the data repository thereby enabling the intermediate device to receive data from the self-monitoring diagnostic meter through the first connection and transmitting the data through a second connection (Brown; col. 2, line 66 to col. 3, line 6 and col. 10, lines 15-19).

G. As per claim 7, Brown discloses a method as recited in claim 6 further comprising reconfiguring the intermediate device with new intelligence data when a different self-monitoring diagnostic meter is connected to the intermediate device (Brown; col. 6, lines 47-50).

H. As per claim 8, Brown discloses a method as recited in claim 6 further comprising directly connecting the intermediate device to a telephone connection for transmitting metric data to the data repository (Brown; col. 4, lines 55-60).

I. As per claim 9, Brown discloses a method as recited in claim 6 further comprising directly connecting the intermediate device to one of a plurality of self-monitoring diagnostic meters (Brown; col. 4, line 64 to col. 5, line 6).

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J. As per claim 10, Brown discloses a method as recited in claim 6 further comprising installing a second intelligence data in the central repository to accommodate a new, previously unknown, self-monitoring diagnostic meter (Brown; col. 4, line 64 to col. 5, line 6).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used art teach Transportable modular patient monitor 5375604 A, Networked health care and monitoring system 5410471 A, Network media access control system for encouraging patient compliance with a treatment plan 5933136 A, Programmable wireless data acquisition system 6167258 A, Remote health monitoring and maintenance system 6168563 B1, Method for detecting a cable type by utilizing the peripheral device to measure and send a state of the PDIAG-signal to the host 6223229 B1, Monitoring system for remotely querying individuals 6248065 B1.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

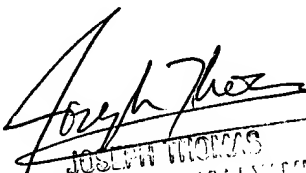
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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

DBC

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JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER